

## Sarah Steinhardt



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### Profile

Sarah Steinhardt specialises in housing and community care, education and discrimination law, and in related public law.

Sarah is particularly noted for her expertise in discrimination in housing and other discrimination outside of the employment field, and she enjoys working proactively and imaginatively to achieve positive outcomes for clients. She is astute to public funding issues and costs and always happy to discuss possible strategies at an early stage.

Sarah has been ranked in Chambers and Partners for Social Housing since 2016. The current edition (2024) ranks her in Band 1 and says:

*"She's sharp, brave, has a real eye for detail and is an exceptionally persuasive and authoritative advocate. She's also practical and pragmatic."*

*"Sarah Steinhardt is immensely hard-working, knowledgeable and also a brilliant communicator, breaking down complex technical issues with ease."*

The previous edition (2023) ranks her in Band 1 and says:

*"Sarah Steinhardt is an effective, accomplished advocate with pronounced expertise in mental capacity and Equality Act issues in the context of social housing. Her impressive practice takes in homelessness cases and challenges to allocation schemes. She regularly handles disability discrimination matters as part of her diverse practice. Steinhardt is also recognised for her strength in housing benefit disputes."*

Her strengths are quoted as: *"Sarah is a highly intellectual, dynamic and fierce advocate. She thinks outside the box, is committed to her clients and is keen to continue to advance the law to protect their rights."* *"Sarah is a first-class advocate, very approachable and super-reliable in getting across the points you want made during a hearing."* *"Sarah is immensely hard-working and knowledgeable, providing pragmatic and sensible advice that resolves tricky issues quickly."*

Previous editions of the Guide commented that Sarah was *"one of the best Equality Act lawyers I have worked with."* *"Her knowledge is second to none. Clients are blown away by her and are comfortable and reassured having Sarah on their case."* *"Sarah is very knowledgeable, works at an impressive pace against deadlines and gives clear advice on legal and practical issues."* *"She is extremely practical and straightforward and tries to achieve the best for her clients"*, *"a very impressive advocate, who is sensitive, eloquent and capable;"* *"She is so clever and is a go to on the Equality Act"* (2017-2021), while the 2016 edition reported that Sarah was *"A rising star, able to think outside the box, who is quick on her feet, covers all bases and never loses sight of the prize."*; and *"Very knowledgeable. She will always look for an innovative argument and push the client's case."*

Sarah has also been ranked as a Leading Junior in Legal 500 since 2016. The current edition (2024) ranks her in Social Housing and Education and reports that she is *"A redoubtable advocate. She is responsive and provides nuanced advice. She excels in client care"*.

The previous edition (2023) ranks her in Social Housing and Education and reports that *"Sarah is a first-rate advocate in Court. She is particularly adept at identifying challenges under the Equality Act 2010 and applying that in the context of housing cases."* Previous editions noted that *"Her vast knowledge and very sharp thinking gives her a facility with novel and complex arguments that is often staggering to see"* (2022) and that she is *"knowledgeable about mental capacity and discrimination in housing"*, *"particularly knowledgeable on discrimination in the housing arena"*, and *"good at turning around documents in short order and to a high standard"*.

Sarah is also a Deputy District Judge.

## **Education**

BVC (Harmsworth Scholar, Middle Temple), BPP (2008)

LLM Human Rights (First Class, First in Year), London (2007)

GDL, BPP (2006)

BA (Hons) History of Art & Fine Art, London (2002)

### **Related practice areas**

Housing, Social Welfare and Property

Education

Community Care and Health

Children's Rights Group

Discrimination

## **Housing and Social Welfare**

Sarah practises in the full range of housing matters from possession proceedings and disrepair, to anti-social behaviour injunctions, homelessness and allocations, and unlawful evictions.

Sarah is particularly experienced at dealing with discrimination in housing and has had considerable success in claims concerning discrimination arising from disability, reasonable adjustments, Article 14, and the public law equality duty. She is passionate about representing vulnerable people, and committed to building a good rapport with clients and enabling positive and engaged decision making.

Sarah frequently delivers seminars and training on housing. She is the co-author of the Housing title of Atkins Court Forms and of the Ninth edition of Defending Possession Proceedings. She takes a keen interest in the developing law and welcomes the opportunity to explore novel approaches.

Some recent examples include:

- *Armin Rahimi v Westminster City Council* [2024] EWCA Civ 73: Important second appeal clarifying the law on the issue of surrender and re-grant. Led by **Martin Westgate KC**.
- *R (Imam) v London Borough of Croydon* [2023] UKSC 45: Successful respondent to Supreme Court appeal on the issue of the relevance of local authority resources in the making of mandatory orders. Led by **Martin Westgate KC**.

- *Westminster City Council v Kazam and Rahimi* [2023] EWHC 825 (KB) Appeal against dismissal of possession claim and declaration that Mr Rahimi had succeeded to the tenancy.
- *R (Elkundi and Ors) v Birmingham / R (Imam) v Croydon* [2022] EWCA Civ 601. Successful appeal against the refusal to enforce the main housing duty where the local authority in breach of duty for over 5 years. Led in the appeal by **Martin Westgate KC**
- *Rosebery Housing Association v Cara Williams* [2021] EW Misc 22 (CC). Claim for an ASBI dismissed, and counterclaim for discrimination succeeded with £27,500 awarded in damages for injury to feelings.
- ***Yianni v London Borough of Southwark***: Claim in disrepair and negligence concerning the authority's failure to carry out repairs following a flood, and failure to make reasonable adjustments in finding suitable alternative accommodation for wheelchair using mum. Settled for £22,500.
- *Constandas v Lysdandrou* [2018] EWCA Civ 613 [2018] 2 F.L.R. 983: Unlawful eviction claim and claim for share of the beneficial interest in Hamstead home. Concerned purchase of property and alleged resulting trust from 1953. (see press coverage [here](#), [here](#) and [here](#)).
- ***Mahindan v Newham***: Successful long running judicial review, appeal, and related Housing Act appeal concerning the suitability of temporary accommodation for significantly disabled woman. (see press coverage [here](#)).
- ***MP v Southwark*** [2016] EWCA Civ 991: Successful appeal under section 204 Housing Act 1996, and appeals 204A, and to the Court of Appeal in relation to intentional homelessness for applicant with severe learning disabilities and Autism ([2016] November Legal Action 42).
- ***Elmer v Wandsworth*** [2016] EWCA Civ 1278: Housing Act appeal in relation to intentional homelessness from grossly and statutorily overcrowded premises.

## Equality and Discrimination

Sarah's practice encompasses discrimination law in housing, education and goods and services. It is the common thread running through her practice and as such she is able to employ innovative arguments by reading across practice areas. She is astute to European

law arguments (for as long as they last) and has acted in several complex cases involving compliance with the Equal Treatment Directive and direct effect.

Sarah updated the chapter on discrimination in the third edition of *Disabled Children* (Broach and Clements, 2020).

Examples of recent cases include:

- *University of Bristol v Dr Robert Abrahart*: [2024] EWHC 299 (KB) : University's appeal against successful discrimination concerning failure to make reasonable adjustments for Natasha Abrahart, a university student with Social Anxiety Disorder, who took her own life in April 2017. The **EHRC** intervened. Led by **Jamie Burton KC**. See press coverage [here](#), [here](#), [here](#) and [here](#).
- *Rosebery Housing Association v Cara Williams* [2021] EW Misc 22 (CC): Counterclaim for discrimination where a housing association had brought unjustified application for an anti-social behaviour injunction. £27,500 awarded in damages for injury to feelings.
- *Abrahart v University of Bristol law* [2022] P.I.Q.R. P17: Successful discrimination claim representing the father of Natasha Abrahart, a university student with Social Anxiety Disorder, who took her own life in April 2017. The first case in which suicide was found to have been caused by discrimination. With **Jamie Burton KC** (see examples of press coverage [here](#), [here](#), [here](#), [here](#) and [here](#)).
- *Carmichael v SoSWP*: Discriminatory application of the 'bedroom tax' for seriously disabled woman (see press coverage [here](#), [here](#), [here](#), and [here](#)).

## Land and Property

Sarah acts in cases including orders for sale, proprietary estoppel matters, boundary disputes, trespass and adverse possession, and nuisance. She has acted for both leaseholders and residents' management companies in service charge disputes in the First-Tier Tribunal (Property Chamber) and in the County Court.

Examples of recent cases include:

- *Constandas v Lysandrou* [2018] EWCA Civ 613; [2018] W.T.L.R. 19: Claim to a beneficial interest in property purchased in 1953. (see press coverage [here](#), [here](#) and [here](#)).
- ***Sidwell v Clark***: Dispute over rights over shared roof terrace in central London.
- ***Sharif v Abergunde***: Linked appeals against party wall awards, and injunction proceedings.
- ***Peck v National Trust***: Counterclaim for title by adverse possession.
- ***Hertfordshire County Council v Harris***: Trespass / boundary dispute claim involving a school.

## Administrative and Public Law

Sarah is frequently instructed in judicial review matters in relation to housing, in particular homelessness and allocations, and under sections 17 and 20 of the Children Act 1989. She also acts in judicial reviews on education and community care matters.

She has a particular interest in the public sector equality duty and in the interrelationship between public sector duties, and private law discrimination claims. For example she acted for a police officer in a case concerning whether breach of public law obligations could raise an inference of discrimination in a private law claim, for a service user in a case concerning reasonable adjustments in the exercise of a public function.

Examples of recent cases include:

- ***R (IAB and Others) v SoS Home Department and SoS Levelling Up, Homes and Communities***: Challenge to the draft Houses In Multiple Occupation (Asylum-Seeker Accommodation) (England) Regulations 2023, whereby the Defendants withdrew the draft regulations the day before final hearing. Led by **Laura Dubinsky KC**, with **Jamie Burton KC**, **Zia Nabi**, **Michael Spencer** and **Alice Irving** at various stages. See press coverage [here](#), [here](#), [here](#) and [here](#).
- ***R (Leadbetter) v SoS Transport***: Appeal against successful judicial review in relation to kerb heights in the Guidance on the use of Tactile Paving Surfaces, supported by the **RNIB**, **Guide Dogs UK** and the **National Federation for the Blind**. Led by **Jamie Burton KC**.

- *R (Leadbetter) v Secretary of State for Transport* [2023] EWHC 210 (Admin): Challenge supported by all three main sight loss charities to the heights of kerbs set out in government guidance on the built environment. Led by **Jamie Burton KC**. (see press coverage [here](#), [here](#), [here](#) and [here](#).)
- *R. (JS) v Secretary of State for Work and Pensions* [2013] EWHC 3350 (QB) Challenge to the benefit cap.

## Education Law

Sarah represents parents, students, schools and local authorities in public law education appeals to the First-Tier Tribunal, disability discrimination cases in the FTT and the County Court, and in related judicial review proceedings. She has appeared in cases involving maintained and independent schools, academies and colleges, and in matters involving school transport, EHC Plans, exclusions and admissions, and discrimination.

Sarah is ranked as a Leading Junior in Education law by the Legal 500 (2023) which states: “Sarah is hugely knowledgeable when it comes to the interface between disability, discrimination and education law. She is very hardworking, possessing great judgement and a keen eye for detail.”

Examples of recent cases include:

- *University of Bristol v Dr Robert Abrahart*: [2024] EWHC 299 (KB): University’s appeal against successful discrimination concerning failure to make reasonable adjustments for Natasha Abrahart, a university student with Social Anxiety Disorder, who took her own life in April 2017. The **EHRC** intervened. Led by **Jamie Burton KC**. See press coverage [here](#), [here](#), [here](#) and [here](#).
- *Abrahart v University of Bristol law* [2022] P.I.Q.R. P17: Successful discrimination claim representing the father of Natasha Abrahart, a university student with Social Anxiety Disorder, who took her own life in April 2017. The first case in which suicide was found to have been caused by discrimination. With **Jamie Burton KC** (see examples of press coverage [here](#), [here](#), [here](#), [here](#) and [here](#)).
- *Cody and Vogel and Ors v Melissa Remus* [2021] EWHC 1755 (QB) [2021] E.L.R. 621: Successful claim in deceit and (first reported successful) claim in educational negligence against the former headteacher of a private school. Substantial damages

awarded. (see press coverage [here](#), [here](#), and [here](#)).

- ***R (JW) v Lambeth / R (RR) v Greenwich / R (KS) v Northamptonshire CC***: Judicial reviews of failures to provide education specified in EHC Plans.
- ***TN v First-tier Tribunal (HESC Chamber) [2021] UKUT 98 (AAC)***: Judicial review of the FTT's decision not to review its decision following a change of circumstances.
- ***Saffron v Redbridge***: Successful appeal to the Upper Tribunal on the issue of the cogency of comparative costs for parental preference.
- ***SA v West Rise Primary / RB v Aston Fields Middle School / CA v Sedghill School / CP v Elfrida Primary School / LW v Kelvin Grove Primary / CC v Prendergast Ladywell Fields***: Alleged disability discrimination of school pupils.
- ***AA v Stockport BC***: Successful claim in race discrimination concerning the provision/arrangement of education.
- ***R (AR) v Wokingham***: Judicial review of failure to provide education under section 19 Education Act 1996.

## Community Care and Health

Sarah frequently acts in cases involving sections 17 and 20 Children Act 1989 support and accommodation, provision to care leavers and looked after children, and in Care Act 2015 matters.

She has particular experience and expertise in discrimination law and public/private cross over cases including public law claims with associated damages claims.

- ***R (N) v Greenwich [2016] EWHC 2559***: Successful judicial review of refusal to provide accommodation under section 17 Children Act 1989 where the mother did not have the right to rent (**Legal Action 2016/17, Dec/Jan, 17-21**; J.H.L. 2016, 19(5), D71-D72).
- ***Saffron v Redbridge***: Successful appeal to the Upper Tribunal on the issue of the cogency required of a care plan in order to be taken into account in making a comparative costs assessment for parental preference.